

PATENT
USSN 10/053,758
Docket 002980US; 018/183c

REMARKS

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This paper is responsive to the non-final Office Action mailed May 26, 2006.

Claims 1-16 and 23-29 were previously pending in the application; claims 1-8, 23, 25, and 27-29 were under examination. Claims 1-8, 25, and 27-28 have been allowed, for which applicants are grateful.

Upon entry of this amendment into the file, claims 23-24 and 29 are newly cancelled, and claims 30-31 are added. The new claims are supported *inter alia* by the claims as previously presented, and fall within the same group as withdrawn claims 9-16 and 26.

Accordingly, claims 1-16, 25-28, and 30-31 are now pending. Claims 1-8, 25, and 27-28 are under examination. Claims 9-16, 26, and 30-31 are withdrawn from examination, but subject to a request for rejoinder pursuant to MPEP § 821.04.

Reconsideration and allowance of the application is respectfully requested.

Rejection of claims 23 and 29

Claims 23 and 29 stand rejected under the written description requirement of 35 USC § 112 ¶ 1. Notwithstanding applicants' compelling arguments as to why the claims comply with § 112 ¶ 1 under the legal standard set by *In re Johnson*, 558 F.2d 1008, 1019, 194 USPQ 187, 194 (CCPA 1977), the rejection has been maintained by the Office.

Applicants do not agree, but have deleted these claims without prejudice so as to expedite allowance of the rest of the claims, thereby obtaining protection for this important invention. Cancellation of claims 23 and 29 does not imply any limitation of the subject matter of the claims from which they depend: i.e., independent claims 1 and 27. Both of these claims cover antibodies and/or antigen binding fragments that specifically bind any part of hTRT protein (SEQ. ID NO:225), including parts that fall within SEQ. ID NO:67, parts of SEQ. ID NO:225 that are not in SEQ. ID NO:67, and conformational epitopes that are created by SEQ. ID NO:67 alone or SEQ. ID NO:67 in the context of the rest of SEQ. ID NO:225.

In view of the cancellation of these claims, this rejection no longer applies.

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Request for Rejoinder:

Claims 9-16, 26, and 30-31 are method claims that incorporate limitations of the product claims under examination. Applicants again renew the request that these claims be rejoined into the group under examination in accordance with MPEP § 821.04, in view of the fact that the corresponding product claims have all been allowed.

Request for Interview

Applicants respectfully request that all outstanding rejections be reconsidered and withdrawn. The application is believed to be in condition for allowance, and a prompt Notice of Allowance is requested.

In the event that the Examiner determines that there are other matters to be addressed, applicants hereby request an interview by telephone.

Fees Due

No fee is believed payable with respect to entry and consideration of this Amendment. Nevertheless, should the Patent Office determine that an extension of time or any other relief is required for further consideration of this application, applicants hereby petition for such relief, and authorize the Commissioner to charge the cost of such petitions and other fees due in connection with this Amendment to Deposit Account No. 07-1139, referencing the docket number indicated above.

Respectfully submitted,

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